

Accused is present.
Sri.B.M.C., Advocate for
accused an application u/s 70(2)
seeking cancellation of the NBW
issued against accused.
Perused and satisfied.
NBW issued against the
accused is hereby cancelled on
penalty of Rs. 50/-.

ORDER ON BAIL APPLICATION FILED BY ACCUSED
U/S 437 of Cr.P.C.

1. Counsel for the accused has filed vakalath and along with bail application U/s.437 of Cr. P.C., seeking enlargement of the accused on bail.
2. In the application, it is stated that police have charged the accused for offence punishable U/s.457 and 380 of IPC. Further, accused has not committed any offence as alleged and accused is ready to abide by the conditions, which may be imposed by the court. Contending the same counsel for accused prays for enlargement of the accused.
3. On the other hand, the learned APP filed objections strongly opposing the bail application and submitted that the accused has committed the offences punishable U/s.457 and 380 of IPC. Among which offence punishable under section 380 of IPC is non bailable in nature and if the accused is enlarged on bail, he may hamper the investigation, tamper the prosecution evidence and threaten the prosecution witnesses and may abscond from the jurisdiction of this court. Contending same APP prays for rejection of the bail application.
4. Heard the arguments of both counsel.
5. On perusal of the materials placed before this court, following points arise for the consideration of this court.

***“Whether the accused is entitled to bail
U/s.437 of Cr.P.C.?”***

6. The finding of this court to the above point is in the '**Affirmative**'.
7. On perusal of documents placed on record it appears that though one of the alleged offences is non-bailable in nature, but the same are not punishable with death or life imprisonment. It is triable by this court. Pre-trial detention is unwarranted at this

stage. As accused is ready to abide by the conditions imposed by the court. It appears from the records that the accused is the residents of **Doddakunchevu Village of Holenarasipura Taluk**. Apprehension of the prosecutions can be taken care by impositions of appropriate conditions as follows.

8. Accordingly, this court proceeds to pass following;

ORDER

The bail application filed by the counsel for accused U/sec.437 of Cr.P.C., is hereby allowed subject to following:

CONDITIONS

1. The accused shall execute a personal bond for a sum of Rs.10,000/- with one surety for likesum;
2. The accused shall not tamper the prosecution evidence and shall not threaten the prosecution witnesses;
3. The accused shall not repeat any type of offence;
4. The accused shall appear before this court as and when summoned.

Surety by name Jayalakshamma W/o. Late H.K.Kambegowda, Aged about 34 years, R/at. Haluvagilu Village, Huthridurga Hobali, Kunigal Taluk, Thumakuru District is present and filed RTC bearing Sy.No.51/4 measuring 21 guntas situated at Haluvagilu Village, Huthridurga Hobali, Kunigal Taluk, Thumakuru District and offered to stand as surety for the accused. Surety produced xerox copy of Aadhaar card and declaration.

Perused, satisfied and accepted. Office is directed to take bond.

**Addl. Civil Judge & JMFC,
Holenarasipura.**